



GRJH, Inc.
PO Box 728
Sharon, CT 06069

Re: Cobble Pond Farms
125 West Road
Canterbury, NH

**NOTICE OF PROPOSED
ADMINISTRATIVE FINE
AND HEARING
No. AF 01-020**

April 23, 2001

I. Introduction

This Notice of Proposed Administrative Fine and Environmental Services, Waste Management Division (the Division) to GRJH, Inc., pursuant to RSA 146-C:10-a and Env-C 601.05. The Division is proposing that a fine totaling \$6,500 be imposed against GRJH, Inc. for the violations alleged below. **This notice contains procedural information. Please read the entire notice carefully.**

II. Parties

1. TheThe DepartThe DepartmenThe Department of Environmental Services, Waste Management
adadministriveadministrative agency of the State of New Hampshire, having its principal officeadministrati
Drive, Concord, NH.

2.2. GRJH, Inc2. GRJH, Inc. is a New2. GRJH, Inc. is a New Hampshire corporation having a ma Sharon, Sharon, CT 06069. GRJH, Inc. is the successor Sharon, CT 06069. GRJH, Inc. is the successo Hampshire.

III. Summary of Facts and Law Supporting Claim(s)

1.1. RSA 146-C authorizes the Department of E1. RSA 146-C authorizes the Department of Environmental Conservation to regulate underground storage tank (UST) facilities. Pursuant to RSA 146-C:9, the Commissioner of DESDES has adopted rules to implement this regulatory DES has adopted rules to implement this regulatory program. RSA 146-C:9, which superceded Ws 411 effective September 17, 1985 through November 1, 1997, which superceded Ws 411 effective November 2, 1990 through April 21, 1997).

2. RSARSA 146-C:10-a aRSA 146-C:10-a auRSA 146-C:10-a authorizes the Commissioner of DES to impose a fine of up to \$2,000 per offense for violations of RSA 146-C, including any rule adopted pursuant thereto. Pursuant to RSA 146-C:10-a, I, the Commissioner, hereby adopts the following schedule of fines for such violations.

3.3. GRJH, Inc. is the owner of three g3. GRJH, Inc. is the owner of three g3. GRJH, Inc. is the owner of three g3. Road, Canterbury, NH further identified as UST #0-110079 (the Facility).

44.4. The Facility is subject to the requirements of RSA 146-C and the rules adopted 4. The Facility is sub that chapter.

8.8. Division records reflect that no amended registration form for the Facility has been filed w8. Division re the Division.

1. If GRJH, Inc. plans to attend the hearing, please have a representative of GRJH, Inc. plans to attend the hearing, the appearance (upper portion) and return the appearance (upper portion) and return it to Janna Paralegal, at the address noted on the form.

- [illegible]

GRJH, GRJH, Inc. is not required to be represented by an attorney, the attorney must file an appearance with the proposed findings of fact to the person conducting the hearing.

If GRJH, Inc. wishes to have a hearing but is unable to send an authorized representative to the hearing as scheduled, GRJH, Inc. must notify Mr. Ballentine at least one week in advance of the hearing and request that the hearing be rescheduled. If GRJH, Inc. notifies Mr. Ballentine in advance and does not have an authorized representative at the hearing, the hearing will be conducted anyway in accordance with Env-C 204.09.

VII. Determination of Liability for Administrative Fines

Pursuant to Env-C 601.09, in order for any fine to be imposed after a hearing, the Division must prove, by a preponderance of the evidence, that GRJH, Inc. committed the violation alleged and that the total amount of the fine sought is the appropriate amount. Proving something by a preponderance of the evidence means that it is **more likely than not** that the thing sought to be proved is true.

If the Division proves that GRJH, Inc. committed the violation and sought is the appropriate amount under the applicable statute, the penalty shall be imposed, subject to the following:

- * Pursuant to Env-C 601.09(c), the fine will be **reduced by 10%** for for each of thfor each of the cir
listedlisted below **that GRJH, Inc. proves, by a preponderance of the evidence**, appl applies in applies
case:

- 1.1. The violation was a one-time or non-continuing violation, **and** GRJH, Inc. did not know about the requirement when the violation occurred, **and** the violation has not occurred as of the time of the hearing. The violation has not been corrected, **and** GRJH, Inc. did not benefit financially from the violation.
- 2.2. At the time the violations were committed, GRJH, Inc. was making no effort to comply with the requirement that was violated.

Information regarding this proposed fine may be made available Information regarding this proposed fine may be made available Information regarding this proposed fine may be made available
page (www.state.nh.us/DES). If GRJH, Inc. has any questions about the proposed fine, please contact
James Ballentine, DES Enforcement Paralegal, at (603) 271-6072.

COPY
Philip J. O'Brien, Ph.D., Director
Waste Management Division

Enclosure (*NHDES Fact Sheet #CO-2 2000*)

cc: Gretchen Rule, DES Enforcement Coordinator
Susan Alexant, DES Hearings and Rules Attorney
Thomas R. Beaulieu, Chief
Lynn A. Woodard, P.E., Supervisor

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APPEARANCE

_____ I/we will attend the hearing I/we will attend the hearing scheduled for **Monday, Monday, June 11, 2001 at 9:00**
the DES offices at **6 Hazen Drive** in Concord, NH.

Signature _____

Date _____

Name (please print or type): _____

WAIVER OF HEARING

I/we certify that I/we understand my/our right to a hearing and that I/we hereby waive those rights. The fine payable to the Treasurer, State of New Hampshire is enclosed.*

* If you pay by check, draft, or money order that is returned due to insufficient funds, we may charge a fee in the amount of 5% of the amount of the original check, draft, or money order or \$25.00, whichever is greater.

Signature _____

Date _____

Name (please print or type): _____

RETURN THIS PAGE ONLY TO:

James Ballentine, DES Enforcement Paralegal
Department of Environmental Services
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095